

So Ordered.

Signed this 18 day of November, 2024.



A handwritten signature in black ink, appearing to be "R. Littlefield, Jr.", written over a horizontal line.

Robert E. Littlefield, Jr.  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK**

In re:  THE COOKIE FACTORY, LLC  Debtor.	Chapter 7  Case No.: 24-11002-1-rel
--	---

**STIPULATION AND ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY  
AND ABANDONMENT BY THE TRUSTEE**

This stipulation and order (the “**Stipulation**”) is made as of November 12, 2024 by and between The Cookie Factory, LLC (the “**Debtor**”), and First Utah Bank (“**First Utah**”) (collectively, the “**Parties**”) and hereby agree to the within Stipulation and Order Granting Relief from The Automatic Stay and Abandonment by the Trustee on the terms and conditions hereinafter set forth:

**WHEREAS**, this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§1334 and 157(a);

**WHEREAS**, venue over this matter is appropriate in the United States Bankruptcy Court for the Northern District of New York pursuant to 28 U.S.C. §1409;

**WHEREAS**, on September 10, 2024, the Debtor filed Voluntary Petitions for Relief which case is pending in the above captioned proceeding under chapter 7 of title 11, United States Code, 11 U.S.C. §§ 101 et seq. (the “**Bankruptcy Code**”);

**WHEREAS**, Marc S. Ehrlich, Esquire, was appointed as the Chapter 7 Trustee (“Trustee”) in this matter;

**WHEREAS**, on or about February 26, 2024, First Utah, initiated an action in the Supreme Court of the State of New York County of Rensselaer under Index No: EF2024-276179 (the “State Court Action”) for recovery and possession of its secured collateral, namely described as: Minipan Comby 660 plus machine with accessories (collectively referred to herein as the “Equipment”).

**WHEREAS**, on June 18, 2024, an Order for seizure, granting First Utah possession of the Equipment was entered in the State Court Action.

**WHEREAS**, the provisions of the automatic stay of 11 U.S.C. §362 prevent First Utah from pursuing the recovery and possession of the Equipment from the Debtor;

**WHEREAS**, the 341 meeting of creditors was held on November 12, 2024, at which time the Trustee and the Debtor indicated that they had no interest in the Equipment and desired to surrender the Equipment to First Utah.

**WHEREAS**, permitting First Utah to proceed with the recovery and possession of the Equipment as against the Debtor will not interfere with the Debtor’s bankruptcy proceedings, and will not result in prejudice to the Debtor or its creditors.

**NOW THEREFORE IT IS AGREED, STIPULATED AND ORDERED**

1. The automatic stay of 11 U.S.C. §362(a) is hereby lifted and modified to permit First Utah to pursue all rights and remedies permissible under applicable state law, and in particular with regard to recovery and possession of the Equipment.
2. The Trustee hereby abandons all interest and title in the Equipment and concurs in the relinquishment of possession of the Equipment to First Utah.

3. Any stay of this Order under Bankruptcy Rule 4001 or any similar rules are hereby waived for cause, and this Order shall be effective immediately upon entry by this Court.

4. Any such relief from stay shall apply to The Cookie Factory, LLC's successors, transferees, and assigns.

5. The relief from stay shall continue to be binding and effective upon any conversion of this case to a case under any chapter of the Bankruptcy Code.

6. This Court shall retain jurisdiction over any matters arising from or related to the implementation or interpretation of this Order.

AGREED AS TO FORM AND CONTENT:

/s/ Robert M. Kline

---

Robert M. Kline, Esq.  
Wright Law Group, PLLC  
228 Park Avenue S  
PMB 84356  
New York, New York 10003  
Tel: (315) 234-3593  
Counsel for First Utah Bank

/s/ Christian H. Dribusch

---

Christian H. Dribusch, Esq.  
Dribusch Law Firm  
187 Wolf Road, Suite 300-20  
Albany, NY 12205  
Tel: (518) 227-0026  
Counsel for Debtor, The Cookie Factory, LLC

/s/ Marc S. Ehrlich

---

Marc S. Ehrlich, Esq.  
64 Second Street  
Troy, NY 12180  
Tel. (518) 272-2110  
Ch. 7 Trustee